

REMARKS/ARGUMENTS

Claims 7, 8, 11-32 and 58-67 are pending herein. Claim 7 has been amended and new claims 66 and 67 have been added as supported by Figs. 4A and 4B of the present application, for example. Applicants respectfully submit that no new matter has been added.

1. Claim 65 was rejected under §112, second paragraph on page 2 of the Office Action. This rejection is respectfully traversed.

In relevant part, claim 7 recites the following:

“one of said solution sample and said solution containing no capture is supplied onto the other one of said solution sample and said solution containing no capture while said other one of said solution sample and said solution containing no capture is in liquid form.”

For the Examiner’s reference, we will repeat the same phrase from claim 1 replacing the term “said solution sample” with A and the phrase “said solution containing no capture” with B. The result is as follows:

“one of A and B is supplied onto the other one of A and B while said other one of A and B is in liquid form.”

It should be understood from this phrase that there are two possible outcomes covered by independent claim 7. Following the claim language of independent claim 7, the first option is that A is supplied onto B while B is in liquid form. The other option is that B is supplied onto A while A is in liquid form.

Using the same meanings for A and B, claim 65 recites that the other one of A and B is B. Accordingly, claim 65 further limits the scope of claim 7 by asserting that the “one of” must be A, while the “other one of” must be B such that A is supplied onto B while B is in liquid form.

The Examiner asserted, in the Advisory Action mailed November 23, 2007, that the above arguments, reiterated from the Request for Reconsideration filed

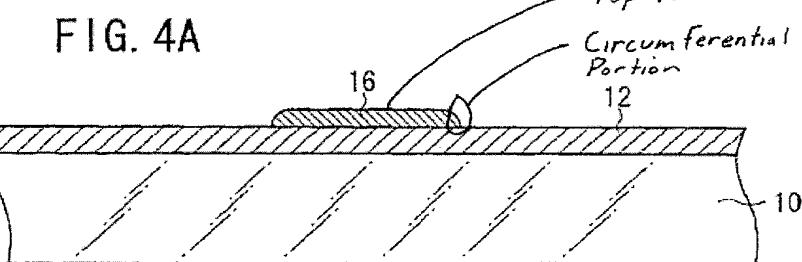
November 5, 2007, were noted and that the Examiner found that the claim is clear as stated by Applicants.

For at least the foregoing reasons, Applicants respectfully submit that claim 65 further limits independent claim 7 and is, therefore, a proper dependent claim which is consistent with claim 7. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

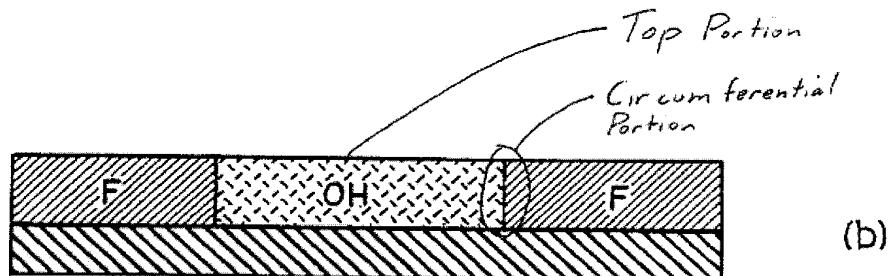
2. Claims 7, 8, 11, 14, 16-19, 21, 22, 26-32, 59, 64 and 65 were rejected under §103(a) over Brennan in view of Sluka. To the extent that this rejection may be applied against the amended claims, it is respectfully traversed.

Please note that for the sake of clarity and consistency with the portion of the discussion above, the solution sample will be referred to as A, and the solution containing no capture will be referred to as B. Using these references, independent claim 7 recites a method for producing a biochip comprising the steps of, in relevant part, supplying a plurality of A, and supplying B in accordance with an ink-jet system separately from and in the same location as each of A. One of A and B is supplied onto the other one of A and B while the other one of A and B is in liquid form. Claim 7 has been amended to clarify that the other one of A and B has a top portion and has a circumferential portion, the top portion being positioned higher with respect to the base plate than the circumferential portion.

The Examiner is respectfully requested to note that this feature is shown below in annotated Fig. 4A.



Brennan discloses, in column 7, lines 23-26, that a base plate is first coated with a stable fluorosiloxane (referenced by "F" in Fig. 3(b) shown below). Brennan discloses, in column 7, lines 24-26, that a CO₂ laser is used to ablate off regions of the fluorosiloxane and expose the underlying silicon dioxide glass so that hydroxylalkylsiloxane (referenced by "OH" in Fig. 3(b) shown below) can be placed in the regions ablated to expose the glass, as shown in Fig. 3(b). Brennan discloses, in Fig. 3(b), that the hydroxyalkylsiloxane (OH) is to entirely fill the region between the grid of fluorosiloxane (F). As shown in annotated Fig. 3(b) below, the top portion of the hydroxyalkylsiloxane is parallel to the base plate such that the top portion is the same height as the circumferential portion.



Therefore, Brennan fails to disclose or suggest that the other one of A and B has a top portion that is positioned higher with respect to a base plate than a circumferential portion thereof.

Sluka, used only for its alleged disclosure of applying a solution B using an ink-jet device, fails to overcome the deficiencies of Brennan.

For at least the foregoing reasons, the method for producing a biochip as recited in claim 7, would not have been obvious to one skilled in the art provided with the disclosures of Brennan and Sluka. Since claims 8, 11, 14, 16-19, 21, 22, 26-32, 59, 64 and 65 depend either directly or indirectly from claim 7, those claims are also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

3. Claims 23 and 25 were rejected under §103(a) over Brennan and Sluka in view of Okamoto. Applicants respectfully submit that the arguments submitted above

distinguish claim 7 from Brennan. Since Okamoto fails to overcome the deficiencies of Brennan and Sluka, and since claims 23 and 25 depend indirectly from claim 7, those claims are also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

4. Claims 12, 13 and 15 were rejected under §103(a) over Brennan and Sluka in view of Borrelli. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Borrelli does not overcome the deficiencies of Brennan and Sluka, and since claims 12, 13 and 15 depend indirectly from claim 7, those claims are also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

5. Claim 20 was rejected under §103(a) over Brennan and Sluka in view of Hammond. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Hammond does not overcome the deficiencies of Brennan and Sluka, and since claim 20 depends indirectly from claim 7, claim 20 is also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

6. Claim 24 was rejected under §103(a) over Brennan and Sluka in view of Dattagupta. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Dattagupta does not overcome the deficiencies of Brennan and Sluka, and since claim 24 depends indirectly from claim 7, claim 24 is also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

7. Claim 58 was rejected under §103(a) over Brennan and Sluka in view of Balint, Jr. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Balint, Jr. does not overcome the deficiencies of Brennan and Sluka, and since claim 58 depends indirectly from claim 7, claim 58 is

also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

8. Claim 60 was rejected under §103(a) over Brennan and Sluka in view of Sakamoto. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Sakamoto does not overcome the deficiencies of Brennan and Sluka, and since claim 60 depends indirectly from claim 7, claim 60 is also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

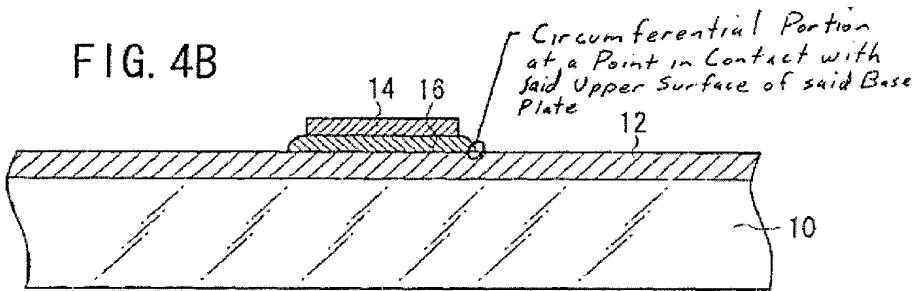
9. Claim 61 was rejected under §103(a) over Brennan and Sluka in view of Schwartz. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Schwartz does not overcome the deficiencies of Brennan and Sluka, and since claim 61 depends indirectly from claim 7, claim 61 is also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

10. Claim 62 was rejected under §103(a) over Brennan and Sluka in view of Wei. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Wei does not overcome the deficiencies of Brennan and Sluka, and since claim 62 depends indirectly from claim 7, claim 62 is also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

11. Claim 63 was rejected under §103(a) over Brennan and Sluka in view of Lopez. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Lopez does not overcome the deficiencies of Brennan and Sluka, and since claim 63 depends indirectly from claim 7, claim 63 is also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

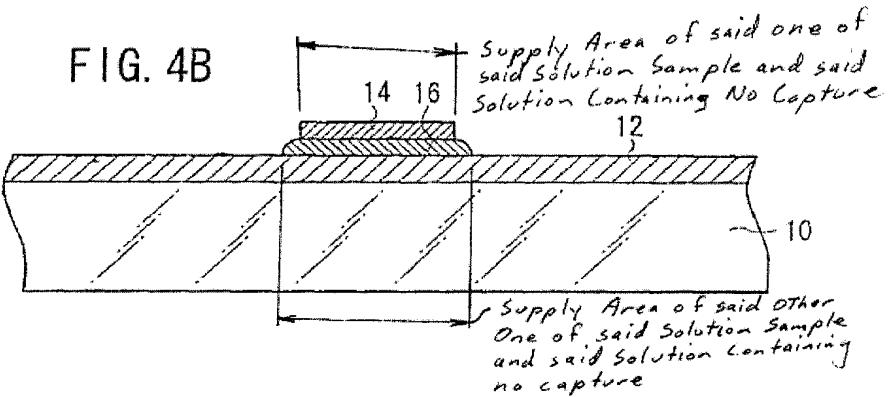
12. The Examiner is respectfully requested to note that the cited prior art fails to disclose a method for producing the biochip according to claim 7, wherein a circumferential portion is exposed to atmosphere at a point in contact with the upper surface of the base plate, as recited in claim 66. This aspect of the present invention is shown below in the annotated figure.

FIG. 4B



13. The Examiner is respectfully requested to note that the cited prior art fails to disclose or suggest the method for producing the biochip according to claim 7, wherein a supply area of the other one of A and B is made wider than a supply area of the one of said A and B, as recited in claim 67. This feature of the present application is shown below in the annotated figure.

FIG. 4B



If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

March 10, 2008

Date



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